

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KENNETH NIXON,

Plaintiff,

v.

ORDER
09-CV-237A

GWENDOLYN COLE-HOOVER
and
ANDREA COLE-CAMEL,

Defendants.

On December 28, 2009, this Court granted defendants' motion to dismiss plaintiff's claims for failure to prosecute and granted default as to defendants' breach of fiduciary duty counterclaim. On January 16, 2010, defendants moved for default judgment in the amount of \$35,400 in actual damages, \$5,000 in attorneys fees, and \$15,000 in emotional damages.

Upon review of the papers and after hearing argument from defendants' counsel, the Court hereby grants default judgment in the amount of \$35,400 in actual damages and the \$5,000 in attorneys fees, but denies defendants' request for \$15,000 in emotional damages because there is insufficient evidence documenting the extent of defendants' emotional damages and denies defendants' motion for punitive damages.

The Clerk of the Court is directed to enter judgment accordingly and to take all steps necessary to close this case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: September 8, 2010